



FREDERICK COUNTY PLANNING COMMISSION

August 11, 2021

TITLE: **JTP Lots A-3A and A-3B**

FILE NUMBER: **S-1136 AP PL263926**

REQUEST: **Combined Preliminary/Final Plat Approval**
The Applicant is requesting Combined Preliminary/Final Plat approval to resubdivide a 26.28-acre Site into 2 lots.

PROJECT INFORMATION:

ADDRESS/LOCATION: Approximately 300 ft. northeast of the intersection of Jefferson Station Blvd. and Jefferson Commons Way
MAP/PARCEL: Tax Map 76, Parcel 109
COMP. PLAN: ORI – Office/Research Development
ZONING: MXD – Mixed Use Development
PLANNING REGION: Frederick
WATER/SEWER: W-3/S-3

APPLICANT/REPRESENTATIVES:

APPLICANT: Harris, Smariga & Associates
OWNER: Jefferson Park Development, LLC
ENGINEER: Harris, Smariga & Associates
ARCHITECT: Not Listed
ATTORNEY: Not Listed

STAFF: Ashley M. Moore, Principal Planner

RECOMMENDATION: **Approval**

Enclosures:

Exhibit #1 – Combined Preliminary/Final Plat Rendering

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting Combined Preliminary / Final Plat approval to resubdivide a 26.28-acre lot into two separate lots.

BACKGROUND

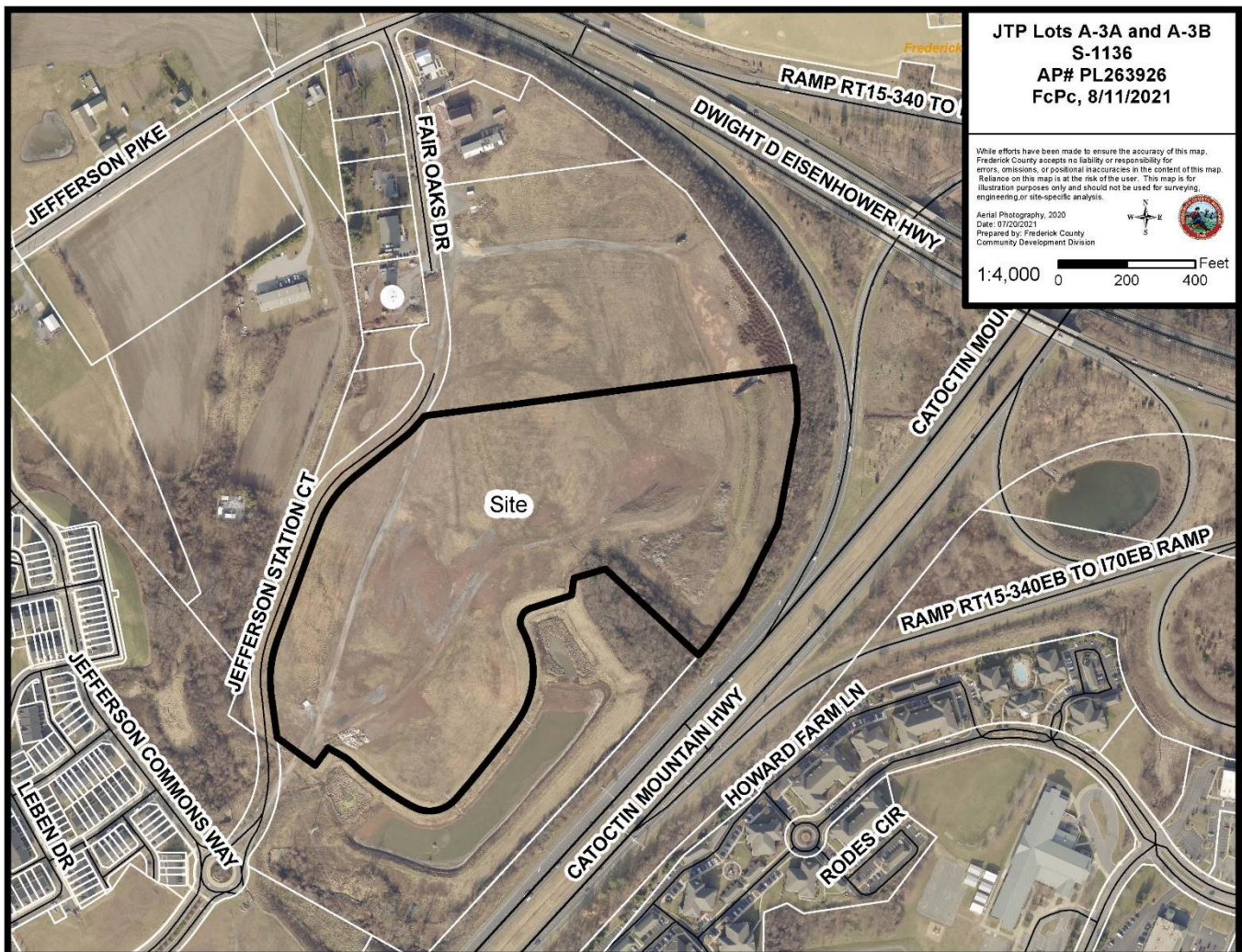
Development History

The existing lot (A-3) is part of the larger Jefferson Technology Park Preliminary Plan. The application is considered a Major Subdivision because 6 or more lots have been subdivided from the original parcel.

The original Phase II Combined Preliminary/Site Plan (AP #3380) was approved December 14, 2005. The Preliminary Plan (AP #9877) was extended on August 20, 2009, and then expired. The current Phase II Preliminary Subdivision Plan (AP #SP257617) was approved August 19, 2020. The Preliminary Subdivision Plan addressed the non-residential portion of the MXD and 108.45 acres were subdivided into 13 lots for commercial, employment, civic, and open space uses. See Graphic #1 below.

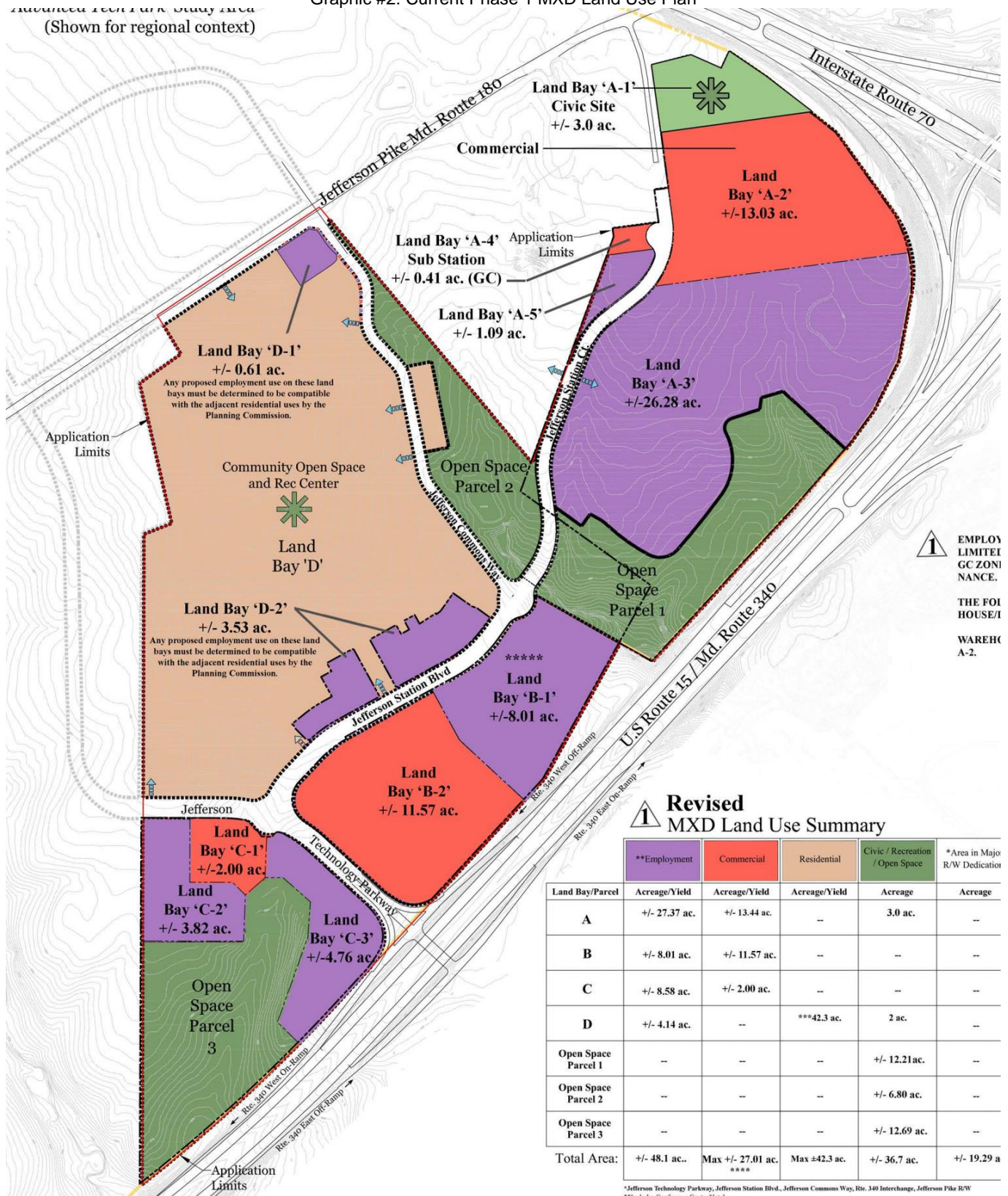
The original lot is designated employment in the Phase I MXD Land Use Plan. See Graphic #2.

Graphic #1: Aerial



Graphic #2: Current Phase 1 MXD Land Use Plan

Advanced Technology Study Area
(Shown for regional context)

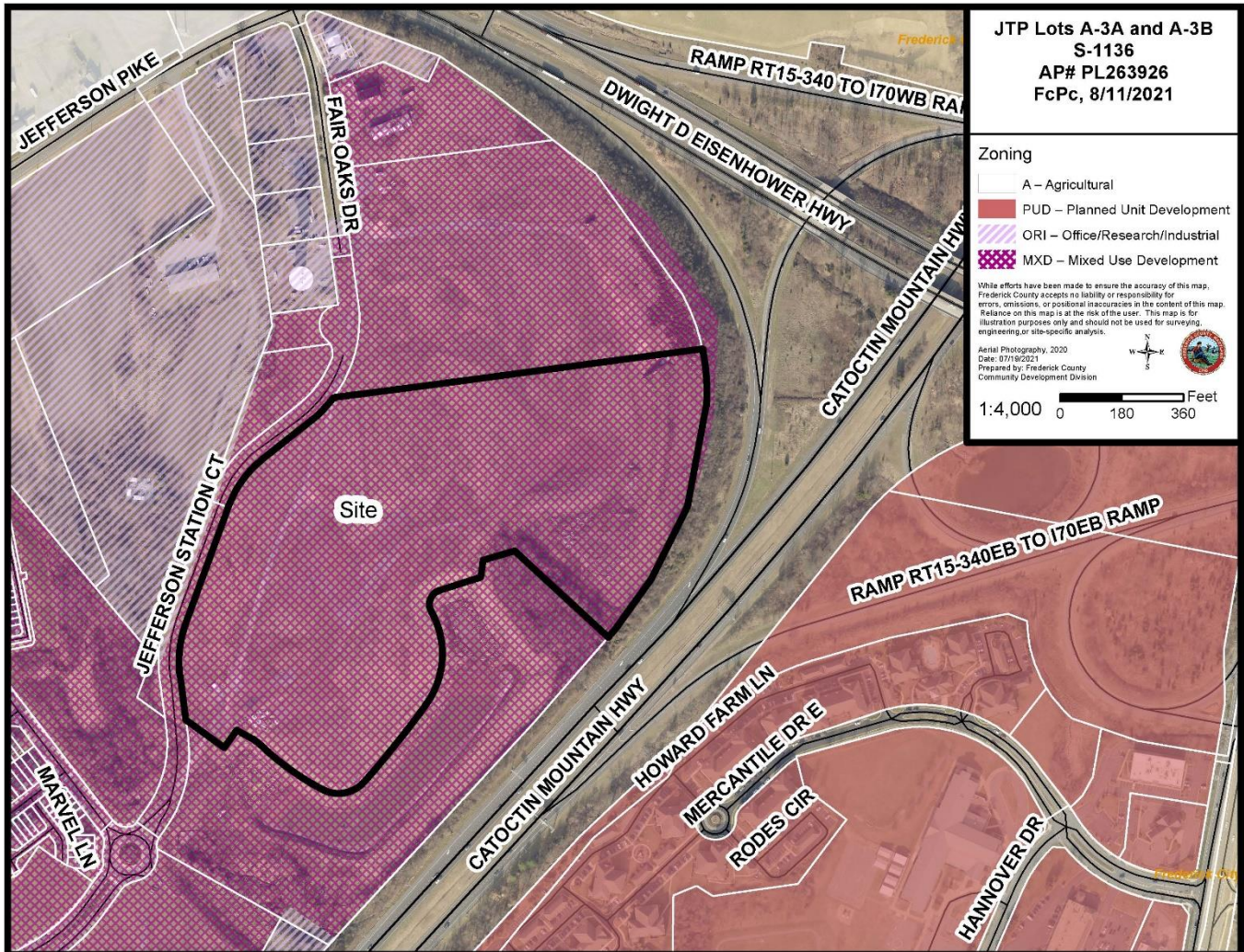


Existing Site Characteristics

The existing lot is generally clear of vegetation. However, vegetation borders along the east and south eastern property lines which slope down toward the interstate and on-ramps.

The existing lot is zoned Mixed Use Development (MXD) with a County Comprehensive Plan land use designation of Office/Research and Industrial (ORI). The existing lot is south of the approved warehouse/office uses (JTP Lincoln) and is north of a open space parcel. The property is bordered by the I-270 on-ramp to Rt. 15/340 to the east and Jefferson Station Court to the west. See Graphic #3.

Graphic #3: Zoning



ANALYSIS

A. ZONING ORDINANCE REQUIREMENTS

1. District Regulations, Land Use, Mixture, and Design requirements within the MXD District §1-19-10.500.7:

The design requirements were established during the Preliminary Plan approval for Jefferson Technology Park (PP257617). Mixed Use Development (MXD): 10 ft. front yard, 10 ft. rear yards, and 8 ft. side yards. Maximum height is 60'. Minimum lot size is 20,000 SF.

The proposed lots meet the minimum lot size requirement (Lot A-3A is 669,304 sq. ft. and Lot A-3B is 475,442 sq. ft.). The required front, rear, and side setbacks are shown and noted on the plan and meet the Zoning Ordinance requirements.

Zoning Ordinance Requirements Findings/Conclusions

The proposed subdivision will meet all Zoning Ordinance requirements.

B. SUBDIVISION REGULATION REQUIREMENTS

1. Land Requirements §1-16-217(A): *The land use pattern of the Comprehensive Plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision.*

The proposed lots are zoned Mixed Use Development (MXD). The proposed lots are adjacent to properties that have been approved for commercial uses to the north and open space uses to the south. The proposed land use and subdivision design complies with the Comprehensive Plan and will meet the district regulations of the Zoning Ordinance.

2. Land Requirements §1-16-217(B): *The subdivision design shall take advantage of the uniqueness of the site reflected by topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.*

The proposed lots design takes advantage of the topography, wooded areas, water bodies, adjoining subdivisions, and land uses. The area of the proposed subdivision does not contain any water bodies. The wooded areas are located along the eastern and southern property boundaries. The lots are situated in between Mixed Use Development lots to the north and west. The lots are part of the greater Jefferson Technology Park subdivision where the adjacent land uses include commercial and open space.

3. Preliminary Plan, Required Information §1-16-72 (B)(19)(a & b): *Soil types: (a) Soils type(s) information shall be provided and appropriate boundaries shown on the plan. In the event that "wet soils" are located on or within 100 feet of a proposed residential structure, a soils delineation report shall be prepared by a licensed soil scientist or professional engineer registered in the State of Maryland. The soils delineation report shall be submitted for review prior to Planning Commission approval of the plan. The Division may waive this requirement if the "wet soils" are located within open space areas.*

Soil information and boundaries are provided on the plan. There are wet soils located in the area of proposed subdivision however the land use designation for the lot is employment. Employment uses are non-residential uses permitted in the Office/Research Industrial District.

4. Road Access Requirements. Public Facilities §1-16-12(B)(3)(b): For major subdivisions; Lots must access a publicly-maintained road with a continuously paved surface that is at least 20 feet in width.

The proposed lots will have access to Jefferson Station Court, which meets the minimum 20 ft. wide travel way width requirement. Jefferson Station Court has been recorded as part of the original lot A-3 and Lot A-2 (PL260489 and PL260490). Jefferson Station Court is still under review for a Combined Stormwater Management Concept, Stormwater Management Development and Improvement Plan (PW261857) and is under construction at this time.

5. Water and Sewer Facilities. Public Facilities §1-16-12 (C): The proposed subdivision shall be disapproved unless each building lot has been approved for individual and/or community sewerage and water facilities by the Health Department.

The proposed lots will be served by public water and sewer. The water and sewer easements were recorded on the final plat of the original Lot A-3 (PL260490).

Subdivision Regulation Requirements Findings/Conclusions

The project will meet all Subdivision Regulation requirements once all agency comments and conditions are complied with.

C. OTHER APPLICABLE REGULATIONS

1. **Stormwater Management – Chapter 1-15.2:** The Stormwater Management is addressed through the existing facilities.
2. **APFO – Chapter 1-20:** This development met the requirements of APFO at previous preliminary plan approval (APFO #12751 and A257619) and this application does not increase the density or intensity originally approved; therefore, it is exempt from further APFO testing and consideration. The Letter of Understanding (LOU) has been fully satisfied. The APFO LOU will remain valid through December of 2025, by which time all lots must be recorded to maintain a vested APFO approval.

Forest Resource – Chapter 1-21: The existing lot (A-3) being re-subdivided was previously mitigated in 2007 under AP #4308 by the recordation of FRO easements and payment of fee-in-lieu. The proposed lots contain no forest nor specimen trees (trees 30" or greater in diameter).

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Public Works Development Review	Approved
Development Review Planning	Approved
Development Review Transportation Engineering	Approved
Forest Conservation (FRO)	Exempt
Adequate Public Facilities (APFO)	Exempt
Street Name Review	Approved
Division of Water and Sewer Utilities (DWSU)	Approved
State Highway	Approved

<i>Other Agency or Ordinance Requirements</i>	<i>Comment</i>
<i>Health Department</i>	Approved

RECOMMENDATION

Staff has no objection to approval of the JTP Lots A-3A and A-3B Combined Preliminary/Final Plat. If the Planning Commission approves the plat, it is valid for a period of five (5) years from the date of Planning Commission approval or the period of APFO approval, whichever is less. The APFO expires on December 14, 2025. Therefore the plat application expires unless recorded before December 14, 2025.

Based upon the findings and conclusions as presented in the staff report, the application meets or will meet all applicable subdivision and zoning requirements.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** Combined Preliminary/Final Plat S-1136, AP PL263926 based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

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